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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/687,949	10/17/2003	Daisuke Matsuo	00295C/LH	9889	
1933	7590 07/13/2004		EXAM	EXAMINER	
FRISHAUF, HOLTZ, GOODMAN & CHICK, PC			VUONG, BACH Q		
767 THIRD . 25TH FLOO			ART UNIT	PAPER NUMBER	
NEW YORK, NY 10017-2023		2653			

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examinate of the may be available under the provision of 3 CPR 1.13(d), in no event, however, may a reply be firmely filed Examinated for reply specified above is lies blue hely (30) days, a reply while the stabledy relimination of the reply appeal of the reply appeal and its gript and the gript and the provision of the period for reply specified above is lies blue hely (30) days, a reply while the stabledy relimination of the provision of the period for reply specified above is lies blue hely (30) days, a reply while the stabledy relimination of the provision of the period of the communication. A proper served by the communication of the period of the communication, even if the period of this communication. A proper served by the communication of the mailing date of this communication, even if the period of the communication. A proper served by the communication of the mailing date of this communication, even if the period of the communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the mailing date of this communication. A proper served by the communication of the communication is non-final. B proper served by the communication of the communication is non-final. A proper served by the communication of the communication is non-final. A proper served by the communication of the proper served by the communication. A proper served by t		Application No.	Applicant(s)	Λ_{Ω}			
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1)☐ Responsive to communication(s) filed on	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period was railure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	ely filed s will be considered timely. the mailing date of this communication (35 U.S.C. § 133).	n.			
2a) ☐ This action is FINAL. 2b) ☐ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) ☐ Claim(s) 1-5 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-5 is/are rejected. 7) ☐ Claim(s) is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement. Application Papers 9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheel(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1. ☐ Certified copies of the priority documents have been received. 2. ☐ Certified copies of the priority documents have been received in Application No application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. BEST AVAILABLE COPY Attachment(s) 1) ☐ Notice of Parlspresson's Patent Drawing Review (PTO-948) 3) ☐ Notice of Draftspresson's Patent Drawing Review (PTO-948) 5) ☐ Other:	Status			4 (2)			
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Art Unit: 2653

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37.CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 10 of U.S. Patent No. 6,671,246. Although the conflicting claims are not identical, they are not patentably distinct from each other because all features recited in claims 1 and 2 of the present application are included in claim 10 of US patent No. 6,671,246. The only difference is the wording of the claims languages.

Claim(s) of the present application:

Claim(s) of US patent 6,671,246:

1, 2

10

Claims 3-5 fall with their respective parent claim.

Cited References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited reference relates to an information recording disk and reproducing apparatus using identifier signal.

Application/Control Number: 10/687,949

Art Unit: 2653

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Bach Q Vuong whose telephone number is (703) 305-7355.

The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status information

for unpublished applications is available through Private PAIR only. For more information

about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-

217-9197 (toll-free).

BV

July 9, 2004

PAUL W. HUBER
PRIMARY EXAMINED

Page 3